

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 5, 2004. Reconsideration and allowance of the application and presently pending claims 1-20, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-20 remain pending in the present application. More specifically, claims 16-20 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response to Rejection of Claims 1-11 and 14 Under 35 U.S.C. §102(b)

In the Office Action, claims 1-11 and 14 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Jain* (U.S. Patent 6,144,375), hereinafter *Jain*. For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claim 1

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Jain* does not disclose, teach, or suggest the feature of displaying “system comprising a ***plurality of remote access points***, each of which is allotted to a ***different one*** or subset of said plurality of movable subjects or items, from each of which remote access points images of the movable subject or item to which it is allotted captured by said plurality of cameras can be viewed in real time or near-real time and/or recorded” (emphasis added) as recited in claim 1.

The Office Action alleges that *Jain* discloses the above-recited feature at Col. 10, lines 16-29 and 39-44. For the convenience of the Examiner, the relevant portion of *Jain* is repeated below (Col. 10, lines 15-47, emphasis added).

The system 200 of FIG. 3 preferably includes mechanisms that specify, extract, and refer to objects and object properties in the EM. An object is defined as an observable entity having a localizable position and spatial extent at any point in time. An object in the EM may be

"static", "moveable", or "dynamic". For example, consider a view of a room including walls, a chair, and a person. The wall is defined as static, the chair is moveable, and the person is dynamic. In addition to its spatial-temporal coordinates, an object may also have properties such as the color and texture. As shown in FIG. 3, the system 200 includes components (specifically, object extraction modules 214, an object state manager 212, and the sensor/object assimilation unit 208) for *managing objects* and *object properties*.

The presence system 200 preferably uses a simple yet extensible language for denoting positions, dimensions, containment (e.g., "the chair is inside the room"), and connectivity (e.g., "room A is connected to room B by door C") *properties of spatial objects observed by the plurality of sensors* 202. Thus, when a moveable object is repositioned, the configuration of the static model 204 is modified accordingly. The static model 204 provides significant semantic advantages. First, users can formulate queries with respect to tangible objects. For example, instead of selecting a sensor by specifying a sensor number or position, users can request (using a point and click method) the sensor "next to the bookshelf" or the sensor from which the "hallway can be completely seen." Second, the static model 204 allows for spatial constraints and enables spatial reasoning. For example, a constraint stating that "no object can pass through a wall" may help reduce location errors for dynamic objects.

Jain is apparently disclosing a system and method capable of tracking one or more objects (and/or object features). However, multiple objects (and/or object features) are different from "a plurality of remote access points, each of which is allotted to a different one or subset of said plurality of movable subjects or items" as recited in claim 1. The Examiner is respectfully referred to the Specification for definition of the "access point" recited in claim 1.

Nowhere in the above-recited portion of *Jain* is there any teaching, disclosure or suggestion of multiple access points because such a teaching necessarily requires use by a plurality of users or viewers. Applicant believes that throughout *Jain*, the *Jain* disclosure is limited to the perspective of a single user or viewer, and how that single user or viewer uses the *Jain* system to monitor the one or more objects. Applicant believes that the reconfiguration of the *Jain* system to support multiple access points, as recited in claim 1, would not be possible based upon the limited disclosure in *Jain*.

Accordingly, Applicant believes that *Jain* does not disclose, teach, or suggest using system comprising a plurality of remote access points, each of which is

allotted to a different movable subject or item. Thus, *Jain* does not anticipate claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited art of record, dependent claims 1-11 and 14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 1-11 and 14 contain all features/elements of independent claim 1. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

3. Response to Rejection of Claims 12, 13 and 15 Under 35 U.S.C. §103

In the Office Action, claims 12, 13 and 15 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Jain*, and further in view of *Osborne* (U.S. Patent 6,650,241), hereinafter *Osborne*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 1 is allowable over the cited art of record, dependent claims 12, 13 and 15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 12, 13 and 15 contain all features/elements of independent claim 1. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

4. Newly Added Claims 16-20

New claims 16-20 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicant submits that no new matter has been added in the new claims 16-20, and that new claims 16-20 are allowable over the cited prior art. Therefore, Applicant requests the Examiner to enter and allow the above new claims.

5. Amendment to the Specification

The Specification is amended herewith to correct a minor typographical error. The amendment made to the Specification is based on subject matter that is implicit

and/or inherent within the drawings and/or inherent within the description of the Specification, and merely places the Application in better form for allowance. Consequently, Applicant submits that no new matter has been added in the Specification, and requests the Examiner to enter the above amendment.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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